



A.F.R.

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 5228 of 2025

(In the matter of an application under Section 482 of Criminal Procedure Code, 1973/ Section 528 of Bharatiya Nagarik Suraksha Sanhita).

Kaushal Pradhan

....

Petitioner(s)

-versus-

State of Odisha

....

Opposite Party (s)

Advocates appeared in the case through Hybrid Mode:

For Petitioner(s)

:

Mr. Soumya Jyoti Biswal, Adv.

For Opposite Party (s)

:

Mrs. Sarita Moharana, ASC

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

DATE OF HEARING:-16.04.2026

DATE OF JUDGMENT:-22.05.2026

Dr. Sanjeeb K Panigrahi, J.

1. The Petitioner, The Petitioner, by way of the present petition, has assailed the legality and validity of F.I.R. No. 382 of 2021 dated 28.12.2025, corresponding to S.T. Case No. 129 of 2025 pending before the learned Sessions Judge, Cuttack (arising out of G.R. Case No. 2179 of 2021), whereby the Petitioner has been arrayed as an accused and is sought to be prosecuted for the alleged commission of offences punishable under Section 306 read with Section 34 of the Indian Penal Code.

I. FACTUAL MATRIX OF THE CASE:

2. The brief facts of the case are as follows:



- (i) The present case arises out of Jagatpur P.S. Case No. 382 of 2021 dated 15.09.2021, registered under Section 306 read with Section 34 of the Indian Penal Code, which was preceded by an enquiry in UD Case No. 28 of 2021. It is stated that the FIR came to be registered pursuant to the recovery of the dead body of one Tusharkanta Sahoo @ Tushar, aged about 19 years, a student, which was found floating near Gate No. 18 of Jobra Barrage on 05.08.2021.
- (ii) The prosecution version reveals that, during the COVID-19 lockdown period, the deceased had developed intimacy with a girl namely Bulbul @ Smruti Moharana, who was also pursuing +2 second year studies in the same college as that of the deceased.
- (iii) It is further stated that during a visit to the deceased's house in February, 2021, the deceased and the said Bulbul @ Smruti Moharana developed physical intimacy. It is further stated that prior to the said relationship, Bulbul had been in a relationship with one Sonu @ Soumya Ranjan Bhuyan, which had come to an end in March, 2020 due to a misunderstanding.
- (iv) It is further stated that in March, 2021, the said Sonu @ Soumya Ranjan Bhuyan suddenly resumed communication with Bulbul @ Smruti Moharana. However, upon coming across photographs of Bulbul and the deceased, Sonu confronted them, whereupon it was revealed that the physical relationship between the deceased and Bulbul was consensual in nature, contrary to Bulbul's initial



assertion that the deceased had forced her. It is further stated that, thereafter, Sonu started avoiding Bulbul.

- (v) It is further stated that, after Sonu @ Soumya Ranjan Bhuyan started avoiding Bulbul @ Smruti Moharana, she allegedly held the deceased responsible for the same and began insisting that the deceased should confess before Sonu and others that he had forced her into the alleged act.
- (vi) It is further stated that, as Sonu @ Soumya Ranjan Bhuyan continued to avoid her, Bulbul @ Smruti Moharana allegedly started blackmailing the deceased and threatened to lodge a false FIR against him. It is further alleged that she also posted a statement on her WhatsApp status to the effect that Tushar had spoiled her life, which subsequently came to be circulated among their mutual friends.
- (vii) It is further stated that, despite continued avoidance by Sonu @ Soumya Ranjan Bhuyan, Bulbul @ Smruti Moharana allegedly resorted to blackmailing the deceased and threatened to lodge a false FIR against him. It is further alleged that she also posted a statement on her WhatsApp status alleging that Tushar had spoiled her life, which came to be circulated among their mutual friends.
- (viii) It is further stated that on 03.08.2021, a meeting was held at the Indoor Stadium, which was attended by the deceased, his friend Jyoti, Bulbul @ Smruti Moharana, the present Petitioner (Kaushal), Bulbul's elder sister (Sriyasweeni), and Sriyasweeni's



boyfriend (Jubu @ Dibya Ranjan Behera). It is stated that during the said meeting, the deceased was asked to tender an apology to Sonu @ Soumya Ranjan Bhuyan, which he accordingly did through a text message.

- (ix) It is further stated that on 03.08.2021, a meeting was held at the Indoor Stadium, which was attended by the deceased, his friend Jyoti, Bulbul @ Smruti Moharana, the present Petitioner (Kaushal), Bulbul's elder sister Sriyasweeni, and Sriyasweeni's boyfriend Jubu @ Dibya Ranjan Behera. It is stated that during the said meeting, the deceased was directed to apologize to Sonu @ Soumya Ranjan Bhuyan, and accordingly, he tendered an apology through a text message.
- (x) On 03.08.2021, a meeting was held at the Indoor Stadium, which was attended by the deceased, his friend Jyoti, Bulbul @ Smruti Moharana, the present Petitioner (Kaushal), Bulbul's elder sister Sriyasweeni, and Sriyasweeni's boyfriend Jubu @ Dibya Ranjan Behera. It is stated that during the said meeting, the deceased was asked to tender an apology to Sonu @ Soumya Ranjan Bhuyan, which he accordingly did by sending a text message.
- (xi) During the said confrontation, the present Petitioner, Sriyasweeni, and Jubu @ Dibya Ranjan Behera questioned the deceased with regard to his alleged objectionable behaviour towards Bulbul @ Smruti Moharana in college and for allegedly spreading rumours. It is stated that when the deceased



responded by using slang and abusive language against Bulbul, he was allegedly slapped by Jubu.

- (xii) The petitioner reportedly warned the deceased that he would face problems if he continued to trouble his sister. Thereafter, Jubu, Bulbul, and Sriyasweeni dropped the deceased at his house. It is alleged by the prosecution that the deceased, suffering from severe mental depression as a result of the incident, took his sister's vehicle to Dhabaleswar Bridge and committed suicide by jumping into the river.
- (xiii) Upon completion of the investigation, a charge-sheet was submitted on 24.11.2021 against the petitioner and other co-accused persons under Section 306/34 IPC. The petitioner had been arrested and forwarded to the court earlier on 27.09.2021.
- (xiv) The present Petitioner has filed the instant petition under Section 482 of the Code of Criminal Procedure, seeking quashing of the said F.I.R. as well as the consequential criminal proceedings arising therefrom.

Being aggrieved by the aforesaid facts and circumstances, the Petitioner has been constrained to approach this Court by filing the present CRLMC Application seeking appropriate relief in accordance with law.

II. SUBMISSIONS ON BEHALF OF THE PETITIONER:

- 3. The learned counsel for the Petitioner respectfully and earnestly made the following submissions in support of his contentions:
 - (i) The case of the Petitioner is that the impugned the genesis of the incident lies in a personal and emotional dispute between the



deceased and one Bulbul @ Smruti Moharana, arising from their physical intimacy in February 2021, its discovery by Bulbul's ex-boyfriend Sonu, and Bulbul's subsequent pressure on the deceased to apologize. It is contended that the Petitioner, being Bulbul's brother, intervened solely to protect his sister's dignity. A dispassionate reading of the prosecution materials, including the FIR, charge-sheet, and Section 161 Cr.P.C. statements, fails to disclose any act of instigation, conspiracy, or intentional aid on the part of the Petitioner.

- (ii) The Petitioner contends that during the meeting held at the Indoor Stadium on 03.08.2021, his role was strictly limited to questioning the deceased with respect to the alleged spreading of rumours concerning his sister and to facilitating the tendering of an apology by the deceased to Sonu @ Soumya Ranjan Bhuyan by providing his contact number.
- (iii) The Petitioner submits that the sole act of violence was committed entirely by co-accused Jubu @ Dibyaranjan Behera, and no witness has attributed any physical assault to the Petitioner. This limited involvement is further corroborated by the confessional statements of the co-accused persons.
- (iv) The Petitioner contends that there are glaring infirmities and contradictions in the prosecution evidence. According to the Petitioner statements of several witnesses under section 161 Cr.P.C. are merely hearsay. Further it is also submitted that the sole eye-witness, Jyotiranjana Mohanty, only attributes a joint

warning to the Petitioner, which was a generic protective admonition prompted by the deceased's use of derogatory slang against Bulbul, and cannot by any legal standard be construed as instigation.

- (v) The Petitioner also submits that the Petitioner's own confessional statement, recorded by the investigating officer, is riddled with fundamental factual errors, such as incorrectly stating the Petitioner was in a relationship with Sriyasweeni and falsely recording that he slapped the deceased.
- (vi) The Petitioner contends that the essential ingredients of Section 306 IPC read with Section 107 IPC are conspicuously absent, as there was no positive, direct, and proximate act of abetment. Reliance has been placed on *M. Arjunan v. State represented by its Inspector of Police*¹ where in the Apex court held that "The essential ingredients of the offence under Section 306 I.P.C. are: (i) the abetment; (ii) the intention of the accused to aid or instigate or abet the deceased to commit suicide. The act of the accused, however, insulting the deceased by using abusive language will not, by itself, constitute the abetment of suicide. Unless the ingredients of instigation/ abetment to commit suicide are satisfied, accused cannot be convicted under Section 306 I.P.C".
- (vii) Moreover, in the case of *Prabhat Kumar Mishra @ Prabhat Mishra v. State of U.P. & Anr*² the Hon'ble Supreme Court had categorically held that clear mens rea and an active act intended

¹ (2019) 3 SCC 315

² 2024 INSC 172

to push the deceased into such a situation that they commit suicide is necessary to convict a person under section 306 IPC.

- (viii) The Petitioner also relies on the case *of Ramesh Kumar v. State of Chhattisgarh*³ to establish that words uttered in the fit of anger or emotion without intending consequence of suicide to follow cannot be treated as instigation. Further reliance has been placed on the case of *State of Kerala v. S. Unnikrishnan Nair & Ors.*⁴ wherein the Hon'ble Supreme Court held that "*Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained.*"
- (ix) The petitioner further contends that there is a complete absence of proximate cause connecting the Petitioner's conduct to the suicide. The prosecution's own case reveals a series of independent factors which subjected the deceased and operated directly upon the deceased's mental state long before and entirely independent of the Petitioner. Further the witness statements reflect that the deceased felt tortured by Bulbul, Sriyasweeni, and Jubu, without implicating the Petitioner as a source of his distress.
- (x) The petitioner maintains that the investigating officer mechanically arrayed all persons present at the meeting as accused persons, violating the fundamental principle of personal criminal liability. Allowing the criminal proceedings to continue

³ (2001) 9 SCC 618

⁴ (2015) 9 SCC 639



against the 24-year-old Petitioner, who has since secured employment, would jeopardize his livelihood and amount to a gross abuse of the process of the Court.

III. SUBMISSIONS ON BEHALF OF THE OPPOSITE PARTIES:

4. *Per contra*, the learned counsel for the Opposite Parties earnestly made the submission that the present CRLMC is not maintainable before this Court and deserves to be rejected in limine.

- (i) The Opposite Party contends that the petitioner's active and conscious participation in acts of instigation clearly satisfies the essential ingredients of the alleged offence.
- (ii) It is contended by the Opposite Party that that the tragedy was the culmination of continuous mental harassment, coercion, and threats inflicted upon the deceased by co-accused Bulbul and others. After a consensual physical relationship between Bulbul and the deceased came to light, Bulbul, in order to safeguard her own interests, falsely alleged misconduct and persistently pressurized the deceased to confess to a fabricated story before her ex-boyfriend, Sonu. Despite Sonu acknowledging that the deceased was not at fault, Bulbul subjected the deceased to relentless blackmail, threatening him with a false FIR and defaming him publicly through WhatsApp status messages circulated among their peers.
- (iii) It is further contended that the witness statements, as well as the petitioner's own statement, reveal that the petitioner (Kaushal Pradhan) actively confronted and questioned the deceased,

pressurized him to apologize, threatened him with a police complaint, and physically assaulted him by slapping him thereby aggravating the mental trauma of the deceased which is evident from his last text message that he had sent to the ex-boyfriend of Bulbul.

- (iv) On the same day being unable to withstand the concerted humiliation and pressure, the deceased took the extreme step of committing suicide shortly thereafter at 6:23 P.M. by jumping into the Mahanadi River near Dhabaleswar Bridge.
- (v) To buttress the argument that these acts constitute abetment under Sections 107 and 306 of the IPC, the Opposite Party places heavy reliance on the Supreme Court judgment in ***Chitresh Kumar Chopra v. State (Government of NCT of Delhi)***⁵ wherein it was held in Para 19 that:

“..where the accused, by words, deeds or conduct, keeps on irritating, pressurizing or forcing the deceased and thereby provokes or compels him to take the extreme step, the presence of mens rea being implicit in such conduct creates such circumstances that the deceased is left with no other option except to commit suicide, an “instigation” may be inferred. It has further been held that abetment is made out where the accused, by words, deeds or conduct, keeps on irritating, pressurizing or forcing the deceased and thereby provokes or compels him to take the extreme step, the presence of mens rea being implicit in such conduct.”

- (vi) Further the Opposite Party places reliance on the judgement of this Hon’ble Court in the case of ***Manish Agarwal v. State of***

⁵ (2009) 16 SCC 605



*Odisha*⁶ wherein it was held that whether the specific conduct of the accused persons amounts to instigation is a question of fact that can only be determined from the evidence adduced during trial and not at this preliminary stage.

(vii) Finally the Opposite Party submits that that the present petition under Section 482 Cr.P.C. is wholly misconceived on both facts and in law, and thus deserves to be dismissed in limine.

IV. COURT'S REASONING AND ANALYSIS:

5. Heard Learned Counsel for parties and perused the documents placed before this Court.
6. At the outset, it is to be noted that the scope of interference in exercise of inherent jurisdiction under Section 482 of the Code of Criminal Procedure is well settled.
7. It is further a well-settled principle of law that while exercising its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, the High Court ought not to embark upon a meticulous enquiry into the reliability, admissibility, or sufficiency of the evidence collected during investigation.
8. The scope of interference at such stage is inherently limited and is required to be exercised sparingly, with great caution, and only in exceptional circumstances where continuation of the criminal proceeding would amount to an abuse of the process of Court or where no offence is disclosed on the face of the record.

⁶ MANU/OR/0726/2023

9. In the present case, the alleged criminal act is stated to have occurred in such a manner as to have culminated in the unfortunate death of the victim by suicide. It is, therefore, imperative to ascertain a proximate, live and direct nexus between the alleged acts attributed to the accused and the consequential act of suicide committed by the deceased, so as to determine the existence or otherwise of the requisite mens rea and the degree of culpability, if any, arising therefrom. The mere occurrence of suicide, in isolation, would not ipso facto attract criminal liability unless it is established that the acts of the accused were of such nature as to have abetted, instigated or facilitated the commission of suicide within the meaning of the applicable penal provisions.
10. In the present case, it is alleged that the Petitioner began attributing blame to the deceased and persistently pressurised him to falsely confess before Sonu @ Soumya Ranjan Bhuyan and others that he had forcibly implicated Bulbul @ Smruti Moharana in the alleged incident. It is further stated that, under such continued pressure and influence, the deceased tendered an apology before Sonu as well as the mother of Bulbul. It is, however, stated that Sonu himself is alleged to have acknowledged that the deceased was not at fault, thereby casting doubt on the alleged culpability attributed to the deceased.
11. However, all these aspects cannot be conclusively determined at this preliminary stage of the proceedings, as the same are essentially matters which require thorough adjudication on the basis of evidence led by both parties during trial. It is only upon a full-fledged trial, with proper appreciation and evaluation of oral and documentary evidence



adduced by the prosecution as well as the defence, that the truth can be ascertained in its correct perspective. The complete chain of causation between the alleged acts and the consequential outcome, if any, can be established only after a meticulous scrutiny of evidence, thereby enabling the Court to arrive at a just and lawful conclusion in accordance with settled principles of criminal jurisprudence.

12. In view of the aforesaid facts and circumstances of the case, and upon due consideration and appreciation of the materials available on record, this Court is of the considered opinion that the present Petition is devoid of merit and is liable to be dismissed. Accordingly, the Petition stands dismissed.

V. CONCLUSION:

13. In view of the foregoing analysis, and upon an anxious, careful, and comprehensive consideration of the material facts, records, and circumstances attendant to the present case, this Court is of the considered opinion that the allegations levelled against the Petitioner, even if taken at their face value and accepted in their entirety.
14. Accordingly, the CRLMC stands **dismissed**.
15. Interim order, if any, passed earlier stands vacated.

(Dr. Sanjeeb K Panigrahi)
Judge

Orissa High Court, Cuttack,
Dated 22nd May, 2026